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1 RECORD OF ORAL HEARING
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3 UNITED STATES PATENT AND TRADEMARK OFFICE
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6 BEFORE THE BOARD OF PATENT APPEALS
7 AND INTERFERENCES
8

9
10 *Ex parte* JI-SOOK KIM, GUI-JUNG LEE, and
11 SOON-PHIL LEE,
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14 Appeal No. 2009-009655
15 Application 10/775,249
16 Technology Center 2600
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19 Oral Hearing Held: February 2, 2010
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22 Before KENNETH W. HAIRSTON, JOHN A. JEFFERY, and
23 MARC S. HOFF, *Administrative Patent Judges*.
24

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1
2 The above-entitled matter came on for hearing on Tuesday, February 2,
3 2010, commencing at 2:16 p.m., at the U.S. Patent and Trademark Office,
4 600 Dulany Street, Alexandria, Virginia, before Christine L. Loeser, Notary
5 Public.
6

7 JUDGE HAIRSTON: You may begin.

8 MR. KIM: May Appellant briefly explain the present invention with
9 figures? This invention, basically, there is two kinds of conventional public
10 communication available. One is wireless communication, the other one is
11 wired communication.

12 For example, a person in this room using a mobile wired phone and calling
13 to the other person on the wireless phone, the call is transferred to the
14 wireless phone to the -- to using conventional CDMA or GSM, which is
15 wireless communication and wireless communication is packet switch
16 telephone network.

17 In terms of a billing process, the caller has to pay at the wireless
18 communication carrier and the called party has to pay at the wired
19 communication using the packet switch telephone network.

20 This invention basically deploy wired and wireless interconnecting unit so
21 this argument is basically giving the wired phone number to the wireless
22 phone.

23 So even though wireless phone caller using his wireless phone and called to
24 the other person who is using the wireless phone or the wired phone, the
25 billing is actually on the wired phone service because this interconnecting
26 unit give a virtual phone number which is a wired phone number so this unit
27 has converted that the wireless phone number to the wired phone number.

1 So various other figures show this embodiment of that but the important
2 thing is this interconnecting unit using a separate, it's a private-based
3 transceiver, which is a transmitter and receiver, which is a stark difference
4 from the conventional wireless telecommunication. For example, GSM,
5 CDMA, they have their own base stations but this invention is using a
6 private base stations for that.

7 So for the subscriber, within the zone of the private base station, the
8 interconnecting unit has converted the wireless phone number to the wired
9 phone number so the user doesn't have to pay double fee or dual accounting
10 systems.

11 The Examiner rejected claims 21 to 26, 28 through 33 and 35 through 36,
12 which is a dependent claim. Independent claim is claim 21 and 30.
13 Examiner relies on -- there's two primary references. One is Cyr. The other
14 one is Bedingfield.

15 The Examiner in case of Cyr says in building wireless communication, he
16 claims a private base station controller. He also equates our claim of private
17 base station to the general wireless base station.

18 In the Examiner Answer on page 4, the Examiner further relies Cyr's private
19 branch exchange to supports teaching for our claim of group exchange in the
20 Examiner Answer, page 4.

21 However, the Examiner correctly acknowledges the primary reference,
22 which is Cyr, fails to disclose to teaching no features of our invention recites
23 assignment of a respective virtual wired phone number which is a wireless
24 phone number and when receiving a request for outgoing service from an

1 internal wired communication terminal which is a mobile zone controlled by
2 the private base stations and changes the caller ID into a respective virtual
3 assigned a respective virtual wireless phone number to each respective
4 wired phone number assigned to the internal mobile communication
5 terminal.

6 Consequently, after recognizing the missing features in Cyr, the Examiner is
7 forced to introduce other, Bedingfield, for disposing of teaching of the
8 missing features.

9 Appellant would like to argue firstly the private branch exchange of figure 1
10 of Cyr cannot be the claimed feature of the group exchange because the
11 private branch exchange of Cyr doesn't have any capability of providing a
12 public wired phone services to set each respective mobile communication
13 terminal.

14 Appellant revealed that the primary reference, Cyr, and the equated private
15 branch exchange merely discloses just wiring a cord at the private branch for
16 the wired extension and the column 3 and the lines 42 and 56 show that --

17 JUDGE HAIRSTON: I'm sorry. Which lines? Column 3 what?

18 MR. KIM: Column 3, lines 42 through 56.

19 JUDGE HAIRSTON: Thank you.

20 JUDGE HOFF: Of Cyr? Mr. Kim?

21 MR. KIM: Yes.

22 JUDGE HOFF: You are in Cyr? You are the base reference to Cyr? That is
23 what you are discussing?

24 MR. KIM: Yeah.

25 JUDGE HOFF: Continue.

1 MR. KIM: So wherever extend the general disclosure we are watching
2 using the private branch PBX through the PSTN, Appellant contends that he
3 cannot be equated to our group, a feature of group exchange, which is wired
4 and wireless interconnecting unit because the cited Cyr -- passage of Cyr
5 does not -- we just, our claim specifically provides public wired phone
6 service with respect to mobile communications terminal.

7 But based on the cited passages, it is clear that Cyr's PBX is just mere
8 routing and allowing functions, so consequently --

9 JUDGE HOFF: Doesn't the Examiner rely on the combination of references
10 to teach that feature?

11 MR. KIM: In terms of our claimed group exchange, the Examiner rely on
12 the Cyr.

13 JUDGE HOFF: To provide this phone service to mobile terminals, doesn't
14 the Examiner rely on a combination?

15 MR. KIM: Right, yes, Your Honor.

16 JUDGE HOFF: Is that a feature that you are arguing?

17 MR. KIM: Yeah. Those, our group exchange and the private base station,
18 which is a very important to it because the Examiner basically admit the
19 very important features of those two element component but nevertheless, he
20 rely on the Cyr to disclose those two elements there.

21 So the cited PBX of Cyr does not have providing a public wired phone
22 service to associate with a wireless terminal near.

23 Secondly, there is, another important element of our claim is the private base
24 transfer system, which is claimed, assigned a group exchange. It's always
25 working with the private base station which is very different from that.

1 Conventional mobile phone technology, CDMA, they have their own base
2 station. So in the Cyr, in the figure 1, there is a base station in there, but that
3 base station is just the CDMA or GSM or TDMA base station which is
4 different from our claims, separate and independent private base station.

5 JUDGE HOFF: Are you referring to wireless base station 130 or some other
6 base station?

7 MR. KIM: 102 of Cyr.

8 JUDGE HOFF: 102, okay. Go on.

9 MR. KIM: Yes. Secondly, the Examiner basically ignores the entire
10 language of the limitation associated with a claimed private base station,
11 which is very important to using, to working with that group exchange.
12 A group exchange is claimed and is assigned a respective virtual wireless
13 phone number, each with respect to mobile communication terminal. You
14 can just see in the mobile zone which is mobile zone controlled by the
15 private base station, not a conventional CDMA or TDMA base station.
16 By ignoring this functional limitation on the private base station, the
17 Examiner conveniently relied on the wireless base station which is 130,
18 column second at lines 3 to 8, which is a base station in general base station.
19 This general type of base station, 130, this item number, does not go far as to
20 disclose claimed party base station.
21 Namely, the claimed base station is functionally related to claimed group
22 exchange which assign a respective virtual wireless phone number to each
23 respective mobile communication terminal and the private base station
24 manages the respective mobile communication terminal we just see in a

1 mobile zone as management to region of the private base station which is in
2 the claims.

3 The Examiner, however, ignores the entire language of the limitation which
4 is very important. Therefore, he claims in the general wireless base station
5 130 to the claimed private base station is incorrect.

6 In stark difference to the Cyr's wired base station, which is using the same
7 standard protocol which is CDMA or GSM as I mentioned earlier, this
8 conventional wireless network.

9 The claimed private base station is not compared to those conventional base
10 stations of the wireless network which is shown in the figure 2, 3 and 4,
11 there is a conventional base station, in the figure 2 and 3, there is item
12 number 50 of our claimed figure but private base station is separate from the
13 independently working and separately working from that conventional base
14 station.

15 And thirdly, this is consistent with the Examiner's acknowledgement. In the
16 Examiner Answer on page 4, he acknowledge but failed specifically to teach
17 an assignment of a respective or virtual wireless phone number which is
18 very important of one of the key features of the limitation associated with
19 those two component which one is the wireless and wired interconnecting
20 unit and the other one is private base station.

21 And wherein the last claim, wherein when we see test for outgoing service
22 from an internal mobile communication terminal, the group exchange
23 changes the caller identification into a respective virtual wireless phone
24 number assigned to the internal mobile communication terminal and calls
25 the caller terminal via the PSTN.

1 As best as can be understood, the Examiner fails to find teachings on
2 assignment with respect to a virtual wired phone number within the Cyr
3 which is a key limitation and operation of the claimed group exchange but
4 nonetheless, the same Examiner was able to find the group exchange in the
5 same reference.

6 I think that Appellant contends that this suggestion is technically inaccurate
7 and reveals the extraordinary measures the Examiner is taking to reconstruct
8 the claims based on hindsight.

9 Claim 21 clearly states, recite here a group exchange, which is connected to
10 the PSTN and which assigns a respective virtual wired phone number to
11 each respect mobile communication terminal existing in a mobile zone as a
12 management of regional private base station.

13 In a similar manner, as far as a post teaching of the prior base station, the
14 Appellant contends that the Examiner misunderstands the private base
15 station, especially the operation as manner as claimed which is assigning a
16 respective virtual wired phone number to each respective mobile
17 communication terminal existing in a mobile zone as management region of
18 the private base station.

19 Appellant submit that the Examiner impermissibly to engage in hindsight
20 reconstruction of the claimed invention using Appellant structure as his
21 template as the attempt to do the word search and selecting ideas from the
22 reference to fill in the gaps.

23 So the Examiner seems conveniently to dismiss the quote by limitation of
24 group exchange and private base stations and put it, set the scope of claims
25 by admitting the limitation of the group exchange and the private base

1 station are deficient in the primary reference in Cyr, nevertheless
2 interpreting the group exchange and the private base station without
3 considering the limitation.

4 Appellant argued that although the Examiner is permitted to give the claims
5 as their broadest reasonable interpretation, but Examiner is not entitled to
6 make interpretation that ignores any part of the claim such as group
7 exchange which is connected to PSTN and which assigns a respective virtual
8 wireless phone number to each respective mobile communication terminal
9 existing in the mobile zone as management to regional base station.

10 Simply, this interpretation must be consistent with the one that those skilled
11 in the art, the region here, here the Examiner is not.

12 JUDGE JEFFERY: Counsel, I wanted to go back to something that was said
13 earlier about the private base station controller in Cyr.

14 As I understand it, the Examiner is relying on 130 the wireless base station
15 in Cyr for that limitation. Why is that not a private base station controller,
16 again? I think I missed the point that you made there.

17 MR. KIM: Yes. Where is key different, the signature factors between the
18 private base station and the conventional base station, in our figure, claim 2
19 is very well illustrated that when the wireless call, this invention also
20 addressed multiple terminating calls.

21 So if a wireless user call using the private base station and private base
22 station converted this wireless phone number into the wired phone number
23 and then this interconnecting unit is just cord to the wired phone or the
24 wireless phone, but when the user subscriber using the private base station,
25 the private base station is, since the private base station, the interconnecting

1 unit converted the wireless phone into the wired phone, the subscriber
2 doesn't have to pay the wireless phone fee, for example.

3 JUDGE JEFFERY: Excuse me, if I can. But 130 in Cyr, that's not a private
4 base station controller. You are saying that is within the building. It is
5 within a particular building.

6 MR. KIM: Right. But 130 of a wireless base station is communicating with
7 a 102 base station.

8 So this is the column 1, lines 60, the wireless base station and the wireless
9 terminal communication, according to public network standard protocol and
10 column 3, according, lines 10, according to the principles of the present
11 invention, the wireless terminal is capable of communicating with the
12 wireless base station in a building communication system using the same
13 standard protocol which is conventional CDMA or TDMA. This protocol,
14 it's just different from our private base station.

15 JUDGE JEFFERY: That would, in effect, be a public network controller or
16 public base station controller, if you will, as opposed to a private one. That
17 wireless base station clearly is communicating with mobile units presumably
18 within the building. So it wouldn't be private in the sense of the particular
19 protocol that would be dedicated to private communications. It would be
20 public or conventional.

21 MR. KIM: This wireless base station just relaying, just routing the phone.
22 That means this wireless base station is communicating with a conventional
23 102 base station.

24 JUDGE JEFFERY: Right. I think the Examiner relied on the other
25 reference, the Bedingfield reference, for some of the functionality aspects of

1 that. I was just wanting to know why that wasn't a private base station
2 controller just by itself, not withstanding the other functionality that is
3 recited.

4 JUDGE HOFF: Judge Jeffrey, so why is the fact that wireless terminal 120
5 is capable of communicating with a wireless base station 130 using standard
6 protocol? Why does that mean that the wireless base station of the reference
7 does not meet the private base station transceiver system claimed?

8 MR. KIM: Because our claim, the private base station is, provide public
9 wired phone service with respect to mobile communications. But in Cyr,
10 even though is wireless base station is within the buildings of maybe a
11 private base station but this wireless base station doesn't have a capability of
12 providing a public wired phone service.

13 That's the key distinctions of that. So figure 2 of our application clearly said
14 there is a BTS, item number 50, which is separate from the 210, is a private
15 base station and user does not maybe some of the users with and without the
16 mobile zone and then our interconnecting unit reroute the call using the
17 conventional base station.

18 So this invention is a private base station within the zone of the mobile zone
19 user service within the limit of that. Otherwise the wired to wireless
20 interconnecting unit of our claimed invention have to reroute the call using
21 the conventional base station, which is governed by the CDMA or public
22 mobile communications.

23 So those two are very important, different features there and the Examiner,
24 that's why the Examiner relies on many passages. Paragraph 17, 37 through
25 40, 45 to 48 and 55 and figure 2 of Bedingfield to fill that everything we get

1 by Cyr, this Appellant is, this is also misplaced because while the system of
2 Bedingfield utilize a virtual telephone number, the reference does not
3 mention to suggest the group exchange which is interconnecting unit,
4 changes caller identification into the respective virtual wired phone number,
5 much less in the manner claimed.

6 The only commonality here is the term virtual and number. Once again,
7 Examiner is just searching for word. He recognized that virtual telephone
8 number is missing in Cyr primary reference and the other key features also.
9 He just cited that Bedingfield to fill the gap of that.

10 He also cited the Bedingfield including the cited passages referenced reveals
11 that virtual telephone number is utilized as a wired line directory number
12 associated with another wireless IT-based directory number.

13 That's why the Bedingfield system provides, we admit, advance telephone
14 service which is multiple terminating call or the call services in which the
15 telephone call routes to provide advance telephone service to a virtual
16 telephone number associated with a wireless telephone number. The system
17 does not teach nor suggest claimed feature of the group exchange changes
18 the caller identification into a respective virtual wired phone number.

19 This is very -- Appellant would like to address that the paragraph 45 and 47
20 which is including the cited passages. In there, the CP, the last part of the
21 paragraph 45, CP is just one of the functions equivalent to our
22 interconnecting unit.

23 Other than that element that allows the telephone call into the wireless
24 carrier network associated with the conventional wireless telephone number

1 and is terminated to the wireless telephone cord device which means does
2 not change the wireless phone number.

3 So using the wireless phone number, this and another paragraph, 47, are the
4 same. The last CP in 38, then routes the telephone call to the wireless
5 capable network associated with the conventional wireless telephone number
6 and to the wireless telephone device associated with the conventional
7 wireless telephone number.

8 So in this case, the subscriber has to pay using the wireless call to the
9 wireless line using the wireless telecommunication, he has to pay that
10 wireless communication and then PSTN wired carriers. So basically, even
11 though Examiner found a virtual phone number, but this Bedingfield clearly
12 does not disclose the group exchange. It changes caller identification into a
13 respective virtual wired phone number.

14 JUDGE HOFF: Counsel, what is your position with respect to the
15 disclosure in paragraph 49?

16 MR. KIM: 49 is one of that --

17 JUDGE HOFF: Paragraph 49 roughly, in the middle of the telephone call
18 was then routed to the wired line carrier network 32 associated with the
19 virtual telephone number.

20 MR. KIM: Yes, Your Honor. But this case is a wireless phone number and
21 to transfer the call to the, since this Bedingfield be using a virtual phone
22 number for the advance telephone system so once the wireless phone,
23 telephone number came into the system as SP or as CP which is just a unit,
24 component, the system has to, using the wired phone number to the phone
25 part.

1 So the Appellants understand this paragraph is, but clearly distinctive from
2 the 45 and 47, it's from the wired phone number to the calling parties, using
3 a wireless phone and the called parties to the wireless phone number. But in
4 this case –

5 JUDGE HOFF: In this case, it's the wireless subscriber is calling the wired
6 line party in paragraph 49.

7 MR. KIM: Yes, Your Honor. So wireless telephone subscriber, their
8 number, when it came into that SSP and CP in here, they have called to the
9 wired phone number. So at some point, they all, this system using an
10 advanced telephone system, which provides various kinds of different
11 services.

12 So using the virtual phone number and there they are matching that number
13 with the other number. So Appellant believes that this is not similar to our
14 claimed invention, which is we are disclosing changes of caller ID into a
15 virtual wired phone number.

16 And 45 and 47 clearly show that doesn't change the phone number, wireless
17 phone number to the wireless subscriber.

18 JUDGE JEFFERY: It associates the number in this paragraph 49 of the data
19 base. The conventional wireless telephone number is associated with the
20 virtual telephone number within the wired line network. Your position is it
21 doesn't change the number.

22 MR. KIM: Yes, Your Honor. That is correct.

23 So even assuming the references were properly combined, based on the
24 teachings that were suggested in the references and assuming the
25 modification proposing the Examiner were justified, there is only two

1 reference by additional teachings or suggested following the reference, even
2 the combination does not render the claimed invention obvious.

3 Specifically, none of the references taken alone or in combination teaches or
4 suggests a group exchange which is connected to the TSDN which is
5 assigned a respective virtual wireless phone number to each respective
6 mobile communication terminal.

7 You can just use a mobile zone as a management to regional to private base
8 station and which provides a public wired phone service to set each
9 respective mobile communication terminal using those respective virtual
10 wired phone number.

11 So accordingly, Appellant respectfully requests the board to reverse the
12 obvious rejections.

13 THE COURT: Any questions?

14 Thank you, counselor.

15 Whereupon, the proceedings, at 2:48 p.m., were concluded.